IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Revision No.2072 of 2006

DATE OF DECISION: OCTOBER 12, 2006

Surinderpal Singh

...PETITIONER

VERSUS

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. P.S.Sekhon, Advocate,
for the petitioner.

...

The petitioner, who is the accused, has filed this criminal revision against the order dated 5.9.2006 passed by the JMIC, Barnala, whereby his application under Section 311 Cr.P.C. for recalling two prosecution witnesses, namely, PW1-Mandeep Kaur and PW2-Darshan Singh, for further cross-examination has been dismissed, while observing as under:-

> "....first application u/s 311 of Cr.P.C. was moved by accused on 21.3.2006 to recall the PW1 Mandeep Kaur examined on 25.3.2003 and PW2 Darshan Singh examined on 18.12.2003, even after examining DW1 Avtar Singh in defence thereof. Moreover PW1 Mandeep Kaur was cross examined with regard to said alleged compromise to some extent by the accused through his counsel and the accused had ample opportunity to conduct cross examination elaborately with regard to said alleged compromise to PW1 Mandeep Kaur and PW2 Darshan

Singh accordingly but did not do so and at this stage is not entitled to recall the said witnesses already cross examined by the accused at length and the contention of ld. counsel for the accused raised with regard to said application moved for recalling the said witnesses for further cross examination with regard to said compromise dated 31.1.1996 is not found to be sustainable. Thus application u/s 311 of Cr.P.C. moved by accused is declined."

After hearing the counsel for the petitioner, I do not find any ground to interfere in the said order.

Dismissed.

October 12, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE